

1982 WL 189275 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 30, 1982

**\*1 Re: Violations of Title 15 U.S.C. 741m(a) and (c) and [Title 18 U.S.C. 1014](#)**

Mr. John Stephen Hooks, Jr.  
Special Assistant for Legal Affairs  
Office of the Governor  
Post Office Box 11450  
Columbia, South Carolina 29211

Dear Mr. Hooks:

Your letter of April 14 inquires whether or not an indictment charging violations under the two foregoing federal statutes involve moral turpitude.

[Title 15 U.S.C. 714m\(c\)](#) is styled 'Larceny, Conversion of Property' and provides that 'whoever shall conceal,—remove, dispose of and convert to his own use or to that of another any property pledged to the Commodity Credit Corporation as security for a price support loan—shall be punished—.'

The first count of the indictment charges the defendant in substantially these words with violation of the statute.

In my opinion, this alleges a crime which involves moral turpitude as it is based inherently upon a charge of fraud. Each of the counts charged in the indictment relate primarily to the Commodity Credit Corporation and have as their purpose the avoidance of fraudulent activity in the procurement or securance of loans from that Corporation and basically accord with the concept of moral turpitude as defined by the decisions of the South Carolina Supreme Court.

Count 2 of the indictment charges a violation of 15 U.S.C. 741m(a), which prohibits the making of a statement knowing it to be false or willfully overvaluing any security for the purpose of influencing any action by the Corporation.

It is my opinion that this count of the indictment similarly charges a crime involving moral turpitude.

Count 3 of the indictment charges a similar violation to that set forth in Count 2 but refers to an incident occurring on a different date.

Count 4 of the indictment charges the knowingly making of a false statement on the United States Department of Agriculture form by understating the production of corn for 1979. The allegation made in this count is that for the purpose of influencing the action of the Federal Crop Insurance Corporation, a false statement was made, knowing it to be false. Under this statute, disbarment from the practice of law has been held to be appropriate in two states, the cases of which are cited below, and in another state, it has been held appropriate to revoke a real estate salesman's license for conviction under this statute. This case is cited below also.

In my opinion, this count also charges a crime involving moral turpitude.

Very truly yours,

Daniel R. McLeod

Attorney General

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